

### REMARKS

The Examiner's Action mailed on May 17, 2004, has been received and its contents carefully considered.

In this Amendment, Applicant has canceled claims 1-20 and 23, and amended claims 21 and 22. Claims 21-22 remain pending in the application. Of claims 21 and 22, claim 21 is the independent claim. For at least the following reasons, it is submitted that this application is in condition for allowance.

The Examiner's Action has rejected claims 21 and 22 as being anticipated by *Hsuan et al.* (USP 6,239,366). It is submitted that these claims are *prima facie* patentably distinguishable over this reference for at least the following reasons.

Initially, it is noted that the Examiner's Action appears to be combining two separate embodiments from this reference in order to establish the anticipation rejection against at least dependent claim 22. Such a combination of embodiments is impermissible in establishing a *prima facie* case of anticipation. Nevertheless, it submitted that Applicant's claims 21 and 22 have not been anticipated by or otherwise rendered obvious in view of the cited reference for at least the following reasons.

Applicant's independent claim 21 is directed to a semiconductor device which includes a board, a first semiconductor chip mounted on the board, and a second semiconductor chip joined to the first semiconductor chip. Further, this claim recites a protective resin which has an exposed upper surface formed so as

to be flush with an inactive surface of the second semiconductor chip, and an exposed side surface that is perpendicular to the exposed upper surface of the protective resin. This claimed configuration is neither disclosed nor suggested by this cited reference.

*Hsuan et al.* disclose a face-to-face multi chip package, which includes a filling material 74 disposed between the chips, and an insulation material 76 that is used to seal the chips. However, and as shown in Figure 5C, the insulation material 76 has an angled side surface, so that this reference does not disclose or suggest a protective resin having an exposed side surface that is perpendicular to an exposed upper surface, as recited in claim 21. Further, even if the Examiner's Action combines the teachings from the embodiment shown in Figure 3B with the embodiment shown in Figure 5C, it is noted that the insulation material 76 shown in Figure 3B does not have an exposed side surface that is perpendicular to an exposed upper surface, as recited by claim 21.

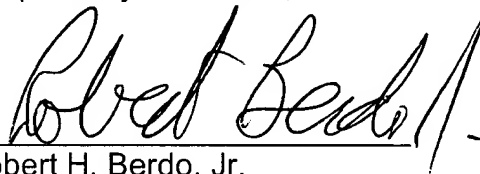
Moreover, Applicant's dependent claim 2 is submitted to be further patentably distinguishable over the cited reference in that this claim recites that the exposed side surface of the protective resin is formed so as to be flush with a side surface of the board along a plane perpendicular to the mounting surface of the board. The Examiner's Action has apparently taken the position that the filling material 74 as shown in Figure 3B, is a protective resin as recited by Applicant's independent claim 21 and dependent claim 22. However, it is initially noted that this filling material 74 does not have an exposed side surface, and it is further

noted that the side surface of this filling material 74 is not flush with the side surface of the board along a plane perpendicular to the mounting surface of the board, as recited by claim 22. Instead, it appears that this filling material 74 is inset from the side surface of the board, so as to not be flush thereto, as would be required by claim 22. As such, it is submitted that Applicant's independent claim 21 and dependent claim 22 are *prima facie* patentably distinguishable over the cited reference. It is requested that these claims be allowed and that this rejection be withdrawn.

It is submitted that this application is in condition for allowance. Such action, and the passing of this case to issue are requested.

Should the Examiner feel that a conference would help to expedite the prosecution of the application, the Examiner is hereby invited to contact the undersigned counsel to arrange for such an interview.

Respectfully submitted,



Robert H. Berdo, Jr.  
Registration No. 38,075  
RABIN & BERDO, PC  
Customer No. 23995  
Telephone: 202-371-8976  
Facsimile: 202-408-0924

August 6, 2004  
Date

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AMENDMENT

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